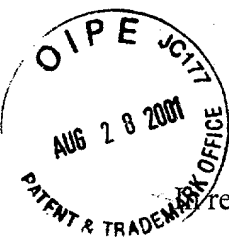


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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application Of:

VOGELSTEIN et al.

Serial No.: 09/815,340

Filed: March 23, 2001

For: SECURIN IS REQUIRED FOR CHROMOSOMAL STABILITY IN HUMAN CELLS

BOX: MISSING PARTS

Docket No. 01107.00074

RESPONSE TO NOTICE OF INCOMPLETE REPLY
TO NOTICE OF MISSING PARTS

Assistant Commissioner of Patents
Washington, D.C. 20231
Attn: Box Missing Parts

Dear Sir:

In response to the Notice of Incomplete Reply, dated August 15, 2001, applicants explain that the allegedly missing Figure 6D, was actually filed with the application as originally filed. The allegedly missing Figure 6D was erroneously labeled, however.

Applicants submit herewith a proposed amendment to the drawings which relabels Figure 6 with the correct subparts, specifically Figure 6C and 6D. Applicants also submit a correction to the description of the drawings to correct an obvious typographical error.

Because the application was submitted complete and whole as originally filed, applicants believe that no petition or other response was actually required. Moreover, because the alleged absence of Figure 6D was not noted in the original notice to file missing parts dated May 8, 2001, applicants believe that the response filed July 9, 2001 was a complete reply. Thus, it is respectfully submitted that no petition fee or extension of time fee should now be required. If,

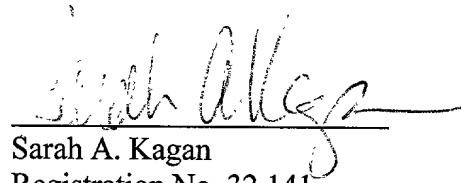
09/08/01 09:51:50

however, the Patent and Trademark Office deems that fees for an extension of time or petition are required to enter this response, the commissioner is authorized to charge Deposit Account No. 19-0733.

Respectfully submitted,

Date: August 28, 2001

By:


Sarah A. Kagan
Registration No. 32,141

BANNER & WITCOFF, LTD.
ELEVENTH FLOOR
1001 G STREET, N.W.
WASHINGTON, D.C. 20001
(202) 508-9100

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/815,340	03/23/2001	Bert Vogelstein	01107.00074

CONFIRMATION NO. 4414

FORMALITIES LETTER



OC000000006425907

22907
BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

Date Mailed: 08/15/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- Figure(s) **Fig 6 D** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is



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required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

M. H.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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